

1 Kenneth B. Wilson, Calif. Bar No. 130009
2 KWilson@perkinscoie.com
3 PERKINS COIE LLP
4 Four Embarcadero Center, Suite 2400
5 San Francisco, CA 94111-4131
6 Telephone: 415.344.7000
7 Facsimile: 415.344.7050

5 Attorneys for Defendant
SIMMONS BEDDING COMPANY
6 and Defendant and Counterclaimant DREAMWELL, LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

12 | ZINUS, INC. a California Corporation,

13 Plaintiff,

14 || V.

15 SIMMONS BEDDING COMPANY, a
16 Delaware corporation, and DREAMWELL,
LTD., a limited liability company of
Nevada,

Defendants.

Case No. 07-CV-03012-PVT

**DECLARATION OF KENNETH B. WILSON
IN SUPPORT OF DREAMWELL'S
HYPOTHETICAL CLAIM ANALYSIS**

Date: February 19, 2008
Time: 10:00 a.m.
Before: The Honorable Patricia V. Trumbull
Location: Courtroom 5

AND RELATED COUNTERCLAIMS

I, Kenneth B. Wilson, declare:

1. I am an attorney with the law firm of Perkins Coie LLP, counsel of record for defendant and counterclaimant Dreamwell, Ltd. (“Dreamwell”). I have personal knowledge of the facts set forth in this Declaration and can testify competently to those facts.

2. Attached to this Declaration as Exhibit 1 is a true and correct copy of U.S. Patent No. RE 36,142 (the “142 Patent”).

1 3. Attached to this Declaration as Exhibit 2 is a true and correct copy of selected
2 pages from the transcript of the deposition of Scott Reeves, which was taken on November 15,
3 2007.

4 4. Attached to this Declaration as Exhibit 3 for the Court's convenience is a true and
5 correct copy of Exhibits R-A through R-G to the Declaration of Scott Reeves in Support of Zinus,
6 Inc.'s Motion for Summary Adjudication of Non-Infringement, which was filed in this action on
7 October 2, 2007.

8 5. Attached to this Declaration as Exhibit 4 for the Court's convenience is a true and
9 correct copy of U.S. Patent No. 4,711,067, the "Magni patent."

10 6. Attached to this Declaration as Exhibit 5 is a true and correct copy of the
11 Cambridge Advanced Learner's Dictionary definition of the word "ribbon."

12 7. Attached to this Declaration as Exhibit 6 is a true and correct copy of the
13 American Heritage Dictionary definition of the word "ribbon."

14 8. Attached to this Declaration as Exhibit 7 is a true and correct copy of the Princeton
15 University Wordnet Dictionary definition of the word "ribbon."

16 9. Attached to this Declaration as Exhibit 8 is a true and correct copy of the Merriam-
17 Webster's Online Dictionary definition of the word "ribbon."

18 10. I have reviewed a number of on-line mattress resources regarding the standard
19 dimensions for various lengths of mattresses. Attached to this Declaration as Exhibit 9 is a
20 printout of one such resource from the simmons.com Web site. These sources consistently
21 indicate that the standard dimensions of a king-sized mattress are 80" long by 76" wide; the
22 standard dimensions of a queen-sized mattress are 80" long by 60" wide; and the standard
23 dimensions of a full-sized mattress are 75" long by 52" wide.

24 11. Attached to this Declaration as Exhibit 10 is a true and correct copy of the
25 Declaration of Ricky F. Gladney.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct to the best of my knowledge.

3 Executed this 29th day of January, 2008 at San Francisco, California.

4
5
6 /s/
7 Kenneth B. Wilson
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28